

BSWB

ATTORNEYS AT LAW

CHICAGO
LONDON
NEW YORK
PRINCETON**Boundas, Skarzynski, Walsh & Black, LLC**One Battery Park Plaza 32nd Floor New York, New York 10004
Phone: 212.820.7700 Fax: 212.820.7740 Web: www.bswb.com**James Sandnes, Esq.**
Direct No. (212) 820-7760
jsandnes@bswb.com

August 20, 2008

VIA FACSIMILE AND U.S. MAIL

Honorable Gerard E. Lynch
 United States District Judge
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 910
 New York, New York 10007

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: 8/20/08
 DATE FILED: 8/20/08

Re: XL Specialty Insurance Company v. Agoglia, et al.,
Case No. 08-CV-3821 (GEL)

Dear Judge Lynch:

We are counsel to XL Specialty Insurance Company (“XL”) in case No. 08-CV-3821 (GEL).

Pursuant to Fed. R. Civ. P. Rule 6(b), we are requesting a 90 day extension of time to serve the summons and complaint in the above referenced matter on three individual defendants to this action – Eric Lipoff, Sukhmeet Dhillon and Thomas Hackl.

Defendants Lipoff and Dhillon are represented by the same counsel, Mr. Neil Goteiner of Farella Braun & Martell LLP. We have been in contact with Mr. Goteiner attempting to arrange for his acceptance of service. He very recently agreed to accept service of the summons and complaint on behalf of defendant Lipoff, and we have forwarded him a stipulation memorializing this agreement for his execution. We expect to be filing it shortly.

With respect to defendant Dhillon, Mr. Goteiner has said he is awaiting authority from defendant Dhillon to accept service. Nonetheless, we made numerous attempts to serve these individuals personally at their homes and places of business and those attempts have proven to be unsuccessful.

With respect to defendant Hackl, it is our understanding that he resides in Geneva, Switzerland and does not have local counsel authorized to accept service of the summons and complaint on his behalf. Therefore, we intend to serve defendant Hackl pursuant to Fed. R. Civ. P. 4(f)(1).

All of the other defendants have been served, have waived service or have entered into stipulations agreeing to waive coverage under the XL Policy and have been dismissed.

BSWB

Honorable Gerard E. Lynch
August 20, 2008
Page 2

This is XL's first request for an extension of time with respect to service of the summons and complaint. Accordingly, XL respectfully requests that the time to serve the summons and complaint be extended 90 days to November 18, 2008.

Thank you for your consideration of this matter.

Respectfully submitted,

James Sandnes

cc: All Counsel of Record
(via pdf email w/o enclosure)

SO ORDERED

GERARD E. LYNCH U.S.D.J.

8/20/08